

CITY COUNCIL MINUTES
January 28, 2008
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 28, 2008 at 6:00 p.m. with Mayor Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL:

Council Members Present: Bob Snyder, Kevin Hanley, J. M. Holmes, Bridget Powers, Keith Nesbitt

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson. City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Administrative Services Director Andy Heath, Airport Manager Jerry Martin, Joanna Belanger Administrative Manager, Police Chief Valerie Harris

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

Commendation: Mayor Nesbitt presented commendations to Auburn Fire, Police and Public Works Departments for outstanding service during the January 2008 storm.

AGENDA APPROVAL

Council Member Snyder requested that Item 7, Public Comment, be heard prior to the Consent Calendar.

7. **Public Comment**

Placer County Supervisor Jim Holmes, speaking as Chair of the Placer County Transportation Planning Agency, presented an adopted resolution to Council Member Bob Snyder and a plaque in appreciation of his service to the agency.

Council Member Powers wished reporter Jenna Nielsen from Gold Country Media a happy birthday and commended her for the all her hard work reporting for the Auburn Journal.

Public Works Director Jack Warren advised Council that at a meeting of the Regional Water Quality Control Board, the City's request for a time extension for an NPDES permit for the wastewater treatment plant was approved without contest. The extension is for one year if the City builds on site and four years if the City goes regional.

Mr. Warren praised Sonny Harris, Corporation Yard Superintendent, and his crew for the work they did during the storm.

Mike Holmes announced that Sentinel Reporter, Joe Carroll, has been hospitalized in Sacramento and wished him well.

Mayor Nesbitt announced that he and Council Member Powers attended a Soroptimist meeting to celebrate Annabell McCord's 50 years of membership. Mayor Nesbitt presented her with a commendation for all her years of community service.

CONSENT CALENDAR

Council Members Snyder and Powers requested Items 3 and 4 be removed from the Consent Calendar.

At the request of Jerry Martin, Item 6 was removed from the Consent Calendar.

1. **Warrants**

By **RESOLUTION 08-12** approve Warrants #68237 through #68500 totaling \$1,541,189.30.

2. **Minutes**

By **MOTION** approve City Council Minutes of October 22 and November 19, 2007.

3. **Lease for Airport Office Space with George Lawton, Lawton Software**

Item removed for discussion following Consent Calendar.

4. **Lease for Airport Office Space with Nicholas and Kelly Manos**

Item removed for discussion following Consent Calendar.

5. **Wildland Fire Protection Agreement with California Department of Forestry and Fire Protection for Fiscal Year 2007-2008**

By **RESOLUTION 08-15** approve and authorize the Fire Chief to sign the Wildland Fire Protection Agreement with California Department of Forestry & Fire Protection for Fiscal Years 2007-2008.

6. **Adoption of Fire Hazard Severity Zones and Fire Safe Standards – 2nd Reading**

Item removed for discussion following Consent Calendar.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar consisting of Items 1, 2 and 5. **MOTION: Hanley/Holmes/Approved 5:0**

3. **Lease for Airport Office Space with George Lawton, Lawton Software**

Council Member Snyder questioned the rent reduction amount for tenant paid improvements. Airport Manager Martin stated it would be \$25 a month for the first six months.

Council Member Powers asked if airport-type lessees are being sought for rental space. Mr. Martin stated that the concentration does lie there, but, due to the age of the building and the size of the spaces, the rental units are frequently more applicable to the small, start-up companies. He said Mr. Lawton is an airport user and does have an airplane at the airport.

By **RESOLUTION 08-13** approve and authorize the City Manager to execute a lease for office space in the Auburn Municipal Airport Operations Building between the City of Auburn and George Lawton, Lawton Software. **MOTION: Holmes/Powers/Approved 5:0**

4. **Lease for Airport Office Space with Nicholas and Kelly Manos**

Council Member Snyder asked what kind of business was to be operated by Nicholas and Kelly Manos. Mr. Martin answered that he did not know the specific business, but the space was to be used as non-aviation office space. Nicholas and Kelly Manos are airport users and do have a plane at the airport.

Council Member Powers wanted to be assured that all lease sites are operating with permissible uses. Mr. Martin said that this particular space is a rear, interior suite without any windows to the outside. He said that to

his knowledge the office had never been previously leased. He said it is not an office that will be visited by the public.

Mayor Nesbitt said that the type of business should be spelled out in the body of the lease. Airport Manager Martin said he will be more specific on any future leases.

By **RESOLUTION 08-14** approve and authorize the City Manager to execute a lease for office space in the Auburn Municipal Airport Operations Building between the City of Auburn and Nicholas and Kelly Manos. **MOTION: Snyder/Hanley/Approved 5:0**

6. **Adoption of Fire Hazard Severity Zones and Fire Safe Standards – 2nd Reading**

Jerry Martin, 948 Herr Way, Auburn, stated that the ordinance affects the entire city. He said his own neighborhood is designated a high fire area, but the implementation of the standards applies to the whole city. He said, as a resident of the city, he would have liked to have seen more public notice regarding the zone-defining process.

Chief D'Ambrogi said that the City adhered to all legal notification. He offered to meet with Mr. Martin and his neighbors, as meeting with citizens is a common community education process. Chief D'Ambrogi explained the ordinance is basically an update derived from three different enforceable codes with the identification of hazardous areas. He stated that he recommended standards to be applied uniformly throughout the city and not limited to a specific area. He said the new ordinance will act as a new tool to assist with wildfire prevention.

Adopt **ORDINANCE 08-03** and conduct a second reading, by title only, to amend the Auburn Municipal Code by adopting Fire Hazard Severity Zones and implement Fire Safe Standards to regulate wildfire protective measures within the boundaries of the City of Auburn. **MOTION: Hanley/Powers/Approved 5:0**

7. **Public Comment**

Moved prior to Consent Agenda.

REPORTS

8. City Council Committee Reports

Council Member Hanley announced that the unveiling of the Robert E. Conheim plaque will be unveiled March 14, 2008 at 6:30 p.m. when the train arrives.

Mayor Nesbitt reported on the Placer County Transportation Agency meeting. He stated that PCTA is focusing on the I-80 bottleneck and the Lincoln bypass. He said that the agency is exploring a high occupancy toll lane as an option for the diamond lanes.

COUNCIL BUSINESS

9. Regional County Animal Services Shelter Program and Cost Analysis

Police Chief Valerie Harris and Administrative Manager Joanna Belanger presented the item. Chief Harris said the program has been researched for a period of time and relates to the City's ability to provide service, shelter care and overall animal services to the community. She said regional sharing of services provided through the County has been explored since 2006. She provided information regarding the process of gathering data, the current animal shelter and the proposed facility. She asked for Council approval for the letter of intent as the City looks towards a memorandum of understanding allowing continued service by the County. Those services would include the shelter, patrol, and picking up animals within the City.

Administrative Manager Belanger outlined the costs for existing population and anticipated growth. She explained that the letter of intent is a request from the County Executive's Office for the City and other jurisdictions to partner together to build two facilities. One of the facilities would be at the site of the existing facility in Auburn and the other facility in South Placer. She said the City of Auburn, via the letter of intent, would be giving consideration to its share of 3.4% of \$20,000,000 for the two facilities.

Mayor Nesbitt asked if there was an estimate for ongoing costs to the City of Auburn after the facility is built. Chief Harris stated that a service estimate indicated that the cost would be about \$115,000 to \$120,000

annually. Administrative Manager Belanger said the County is researching ways to offset costs.

City Manager Richardson advised that at this point the County is asking for a letter of intent in order to confirm that the City is seriously considering partnering with the County on the project. Council Member Snyder stated that he is looking for ways to minimize the costs. Council Member Hanley suggested that a strategy should be in place to lower the costs, possibly by lessening the size of the South Placer Facility. Council Member Holmes asked about specific services that will be provided and additional costs to the City for specific incidents.

Dorothy Wall, 245 Chana Drive, Auburn, stated that her son was bitten by dog owned by a local storeowner. She asked if there was an ordinance regarding animals housed at business locations. Chief Harris responded that a business owner, like a home owner, has the right to keep a dog on his/her property. However, there are laws to be followed regarding animals that attack people. Mayor Snyder suggested that the Police Chief speak with Mrs. Wall regarding the incident. Both parties agreed.

Council Member Powers stated that previously, when the County reported to the Council, it was stated that both facilities would be considered separate entities. Ms. Powers wanted to be certain that during negotiations it would be understood that both facilities would be built. If the South Placer facility is built first, and funds lessen, there will need to be a guarantee that the Auburn facility will be built as well. City Manager Richardson said Auburn would not pay for its portion of costs until construction of the Auburn facility began.

Council Member Hanley asked if Auburn would be partially subsidizing the South Placer Facility. City Manager Richardson said that would be the case with the formula as it currently stands because there are shared services between both facilities. Council Member Hanley stated that he is in favor of the City having a willingness to negotiate with Placer County. He stated that when the item comes back to the Council, he will look for justification of the huge facility in South Placer.

By **RESOLUTION 08-16** authorize the City Manager to submit a general letter of intent to Placer County to indicate the City's participation in the Placer County Regional Animal Services Shelter Program. **MOTION:**
Holmes/ Powers/Approved 5:0

10. **Cap-to-Cap Participation and Project Funding List**

City Manager Richardson introduced the item regarding the City's participation in the City of Sacramento Chamber's Cap-to-Cap lobbying

effort. He stated the questions before the Council were: (1) did they want to participate and (2) who will be sent as the delegate. He identified three City projects for lobbying.

Public Works Director Warren explained that Placer County is doing all the lobbying, including for the cities, regarding the Regional Sewer Program. He said it would be rather redundant for the City to do the same.

Council questions and discussion followed regarding projects for the federal funding request. Projects discussed were (1) Lincoln Basin Drainage Infrastructure (2) Auburn School Park Preserve Interpretative Center (3) Electric Street Stormwater Pipeline Project and (4) Regional Wastewater Treatment Plant.

By **MOTION** include a recommendation to the Cap-to-Cap to include the Regional Sewer as our primary item. **MOTION: Snyder/Holmes/ Approved Unanimously**

Council Member stated that there have been committee meetings and the City has not been a participant. He said the City, therefore, does not know the criteria for the types of projects, but the City can submit a list. Council Member Powers said one of the committee's primary focuses is more regional projects. She said that when meeting with a congressman or a senator only ten minutes are allowed to state the issue. She said those issues are combined from the entire region. Therefore, she supported the Regional Wastewater Treatment Plant as a primary request item.

By **MOTION** submit as a second priority the Electric Street Stormwater Division Pipeline Project and as a third priority the Lincoln Basin Drainage Infrastructure. **MOTION: Holmes/Snyder**

Council Member Holmes and Council Member Snyder agreed that the Auburn School Park Preserve Interpretative Center is not a priority. Council Member Snyder said, "At this point in time, I think the Regional Sewer should be a primary focus and everything else is a diversion." He said he would not support adding anything else to the list. Mayor Nesbitt agreed.

SUBSTITUTE MOTION to submit the Regional Wastewater Treatment Plant as highest priority to the Cap-to-Cap group for consolidation with the Regional Sewer that they already have going Cap-to-Cap, and that as a secondary measure the City's delegate would arrange separate appointments for the other two issues to be discussed outside of the Cap-to-Cap criteria. **MOTION: Holmes**

AMENDED SUBSITUTE MOTION to exclude from Issue Papers to Cap-to-Cap the Lincoln Basin Drainage Infrastructure and the Electric Street Stormwater Diversion Pipeline Project. **MOTION: Holmes/Powers/ Approved 3:2 (No Hanley, Nesbitt)**

Mayor Nesbitt clarified that the item is Regional Sewer. However, if the City sends a delegate, it would be expected that the delegate would try to make appointments and also talk about the Lincoln Basin Drainage Infrastructure and the Electric Street Stormwater Diversion Pipeline Project. He said it would not be in the issue papers for Cap-to-Cap.

Council Member Powers stated that she thinks it is very important to send a delegate to represent the City of Auburn to the Cap-to-Cap event even if one of the City's projects is not on the agenda. She said that over the years the City's participation will be noted and its issues brought to the fore. She suggested the Mayor be the delegate and, if unavailable, another delegate be selected.

Council Member Snyder stated that he has a record of not supporting Cap-to-Cap because the City did not have an item of that level to present. However, he said this year the City does have an issue of significance and is willing to make the cost investment at this time.

Council Member Hanley stated that the tax payers already pay for a U.S. Congressman and staffers. He said the Congressman is the lobbyist for the City and has always been open to addressing the issues of Auburn. Therefore, he does not see the rationale in spending \$3000 per Council Member to go to Washington, D.C. He opposed asking the Federal Government for "earmarks." He also said future months could reflect staff recommendations to lay off city workers and to reduce services to residents. He said decisions will have to be made on really important projects like Baltimore Ravine. He said the citizens want to have trust in the Council. He stated that when the Council authorizes the spending of thousand of dollars to send someone to Washington, D.C., the Council reduces the trust of the public. He said there are local events that Council Members can attend that keep them in touch with other elected officials and community issues.

Council Member Snyder stated that the City will not be asking for an earmark. He said there has already been \$32,000,000 authorized for the Regional Wastewater System. He said it was not an earmark and has been on the books for many years. He said it is part of the water bills. He said the question is, "If we go ahead and finance this ourselves, will the \$32,000,000 still come and be retroactively applied to the project?" He said the question has to be answered by more levels of government than simply our local representative. He explained how lobbying has aided in

the extension granted the City by the Regional Water Quality Control Board.

Council discussion followed regarding the previously made motions. Council Member Snyder said that the motion was not to include the Lincoln Basin Drainage Infrastructure, the Auburn School Park Preserve Interpretive Center and the Electric Street Stormwater Diversion Pipeline Project in the Cap-to-Cap issue papers. Council Member Hanley stated that it was his understanding that although those items would not be sent on issue papers, our delegate would be asked to lobby for the Lincoln Basin and Electric Street projects. Council Member Snyder said, "As a member who voted in favor of the last motion, I am going to ask that it be reconsidered and to clarify that it would not include the delegate lobbying these items." Mayor Nesbitt asked that the discussion return to deciding whether or not to send a delegate to Cap-to-Cap.

Mayor Nesbitt said that this year the City have more of a need to send a delegate that we did last year. He said, if there is a possibility that the Mayor could be sent, he would abstain from the vote. Council Member Holmes said it is important that City has representation. He said the Air Pollution Control Board is covering some of his expenses. If he was selected it would reduce City cost to about \$1500. He said the Air Pollution Control Board would not have a problem with him selecting whatever committee he deemed more applicable to an overall community concern.

Council Member Hanley said he could support the motion to send a delegate if it was exclusively related to the regional sewer plan, which he did not consider an earmark. He stated that he believed Council Member Snyder should be the representative since he served on the Regional Wastewater Authority Board and has invested a great deal of personal time with staff and others on the subject. Council Member Hanley stated that he felt Council Member Snyder was the most knowledgeable and would make a compelling case for Auburn on the importance of the project and the City's difficult situation in meeting the deadlines. Mayor Nesbitt and Council Member Powers agreed.

Council Member Holmes said we do need to make Washington, D.C. officials aware of local concerns and issues, which do not necessarily have to be earmarks. He said then there is the possibility that those items may be included in a future bill.

By **MOTION** select Council Member Snyder to participate in the Cap-to-Cap Program and to lobby various officials on the Regional Sewer Plant and request staff to issue any papers related to that subject and authorize him to stop lobbying for other regional projects that would affect our City

and to pay appropriate airfare and lodging costs. **MOTION: Hanley/
Powers/Approved 3:1 (Abstain Snyder, No Holmes)**

Council Member Holmes expressed his objection to excluding lobbying for issues other than the Regional Wastewater Treatment Plant, even though it is a priority item.

ADJOURNMENT

Mayor Nesbitt, without objection, adjourned the meeting at 7:55 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk